## National Labor Relations Board Weekly Summary



# of **NLRB** Cases

Division of Information	Washington, D.C. 20570	Tel. (202) 273-1991
March 13, 2009		W-3199
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Essex Valley Visiting Nurses Assn. (22-CA-28315; 353 NLRB No. 109) East Orange, NJ March 6, 2009. The Board adopted the administrative law judge's findings that Respondent Essex Valley Visiting Nurses Assn. (EVVNA) violated Section 8(a)(5) of the Act by refusing to timely provide information to the Union and by failing to timely respond to the Union's requests to meet and bargain for a successor collective-bargaining agreement. However, the Board reversed the judge's finding that New Community Corp. (NCC) was a single employer with EVVNA. Although the judge found that the Respondents conceded that EVVNA and NCC constituted a single employer, the Board found that EVVNA was the sole respondent in this proceeding. The record established that counsel for the General Counsel withdrew the allegations of the complaint alleging that EVVNA and NCC constituted a single employer after counsel for the General Counsel and the Respondents stipulated at the hearing that EVVNA satisfied the Board's jurisdictional standards and was an employer engaged in commerce within the meaning of the Act. [HTML] [PDF]

(Chairman Liebman and Member Schaumber participated.)

Charge filed by Health Professionals and Allied Employees, Local 5122; complaint alleged violation of Section 8(a)(1) and (5). Hearing at Newark on Oct. 7, 2008. Adm. Law Judge Michael A. Rosas issued his decision Dec. 17, 2008.

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#### LIST OF DECISIONS OF ADMINISTRATIVE LAW JUDGES

*United Parcel Service, Inc.* (an Individual) Oklahoma City, OK March 4, 2009. 17-CA-24201; JD(SF)-12-09, Judge John J. McCarrick.

*Metropolitan Interpreters and Translators, Inc.* (Communications Workers Local 9400) Los Angeles County, CA March 2, 2009. 21-CA-38356; JD(SF)-07-09, Judge Lana H. Parke.

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#### NO ANSWER TO COMPLAINT

(In the following case, the Board granted the General Counsel's motion for summary judgment based on the Respondent's failure to file an answer to the complaint.)

Resistflame Acquisition Co. a/k/a Resistflame Kiesling & Hess Finishing Co. (UNITE HERE!, Philadelphia Joint Board) (4-CA-36334; 353 NLRB No. 107) Philadelphia, PA March 6, 2009. [HTML] [PDF]

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#### **TEST OF CERTIFICATION**

(In the following case, the Board granted the General Counsel's motion for summary judgment on the grounds that the Respondent has not raised any representation issue that is litigable in this unfair labor practice proceeding.)

Lakeland Neurocare Center, LP (UAW) (7-CA-51685; 353 NLRB No. 106) Southfield, MI March 6, 2009. [HTML] [PDF]

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### LIST OF UNPUBLISHED BOARD DECISIONS AND ORDERS IN REPRESENTATION CASES

(In the following cases, the Board adopted Reports of Regional Directors or Hearing Officers in the absence of exceptions)

#### **DECISION AND CERTIFICATION OF REPRESENTATIVE**

Sodexo, Inc., Philadelphia, PA, 4-RC-21511, March 5, 2009 Mauser Corp., Rancho Cucamonga, CA, 31-RC-8715, March 6, 2009

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Miscellaneous Board Decisions and Orders

ORDER RESCINDING [Decision and Certification of Representative dated Jan. 9, 2009]

E. A. Sween Co., Woodridge, IL, 13-RC-21777, March 3, 2009

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